

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

<b>Jonathan R., minor, by Next Friend, Sarah</b>	)	
<b>DIXON, <i>et al.</i>,</b>	)	
	)	
	)	
Plaintiffs,	)	Class Action
	)	3:19-cv-00710
v.	)	
	)	
<b>Jim JUSTICE, in his official capacity as the</b>	)	
<b>Governor of West Virginia, <i>et al.</i>,</b>	)	
	)	
	)	
Defendants.	)	

**MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL**

Plaintiffs hereby move the Court to certify this case as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2). Plaintiffs ask the Court to certify a class of all West Virginia foster children (the “General Class”) as well as three subclasses: (1) children who have physical, intellectual, cognitive, or mental health disabilities (the “ADA Subclass”); (2) children who are or will be in kinship placements, or who were in kinship placements that unnecessarily disrupted, for whom DHHR is required to provide initial home safety assessments, case management and other services, and permanency planning (the “Kinship Subclass”); and (3) children who are or will be fourteen years old and older, who are eligible to receive age-appropriate transition planning but are not provided the necessary case management and services and are therefore at risk of aging out of foster care without a proper plan to transition successfully to adulthood (the “Aging Out Subclass”). Plaintiffs also ask the Court to appoint the undersigned attorneys as class counsel.

Respectfully submitted,

/s/ Marcia Robinson Lowry

Marcia Lowry, *admitted pro hac vice*  
mlowry@abetterchildhood.org  
Allison Mahoney, *admitted pro hac vice*  
amahoney@abetterchildhood.org  
Dawn Post, *admitted pro hac vice*  
dpost@abetterchildhood.org  
Tavi Unger, *admitted pro hac vice*  
tunger@abetterchildhood.org  
A Better Childhood  
355 Lexington Avenue, Floor 16  
New York, NY 10017  
Tel.: (646) 795-4456  
Fax: (212) 692-0415

/s/ Richard W. Walters

Shaffer & Shaffer, PLLC  
Richard W. Walters, WVSB #6809  
rwalters@shafferlaw.net  
J. Alexander Meade, WVSB #13021  
ameade@shafferlaw.net  
Brian L. Ooten, WVSB #9358  
booten@shafferlaw.net  
2116 Kanawha Boulevard, East  
P.O. Box 3973  
Charleston, WV 25339  
Tel: (304) 344-8716  
Fax: (304) 344-1481

/s/ Lori Waller

Disability Rights of West Virginia  
Lori Waller, WVSB #11303  
lwaller@drofwv.org  
1207 Quarrier Street, Suite 400  
Charleston, WV 25301  
Tel: (304) 346-0847  
Fax: (304) 346-0687

***Attorneys for Plaintiffs***